

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Final Office Action dated September 5, 2006 has been received and its contents carefully reviewed.

Also, Applicants thanks the Examiner for the telephone interview of November 15, 2006.

Claims 1-3 are hereby amended and claim 4 has been withdrawn. Accordingly, claims 1-3 are currently pending. Reexamination and reconsideration of the pending claims is respectfully requested.

The Office Action rejects claims 1-3 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office Action states that the specification does not provide support for the following limitations: “the reference value” and “that is after the first predetermined time period” as recited in claims 1 and 2. As discussed with the Examiner during the telephone interview of 11/15/06, the specification provides clear support the claims. Specifically, the “predetermined value E1” as illustrated in Figs. 5 and 6 provide support for “the reference value” limitation in claim 1. Moreover, S18, as illustrated in Fig. 5, which is determined after S1 provides support for the “that is after the first predetermined time period” limitation. Therefore, Applicants respectfully submit that the claims complies with the written description requirement and the rejection should be withdrawn.

The Office Action rejects claims 1-3 under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,330,580 to Whipple (hereinafter “*Whipple*”). Applicant respectfully traverses the rejection.

As required in Chapter 2143.03 of the M.P.E.P., in order to establish *prima facie* obviousness of the claimed invention, all the limitations must be taught or suggested by the prior art. Applicant respectfully submits that the cited reference fails to disclose all the elements recited in claims 1-3.

Specifically, claim 1 recites, among others features, comparing the value indicative of the determined electrical characteristic with a predetermined value, and continuing a supply of water for a second predetermined period after a predetermined first period if the value indicative of the determined electrical characteristic is not less than the predetermined value during the second predetermined time period. *Whipple* does not disclose or suggest the above-noted features of claim 1.

Applicant agrees with the Examiner's statement that *Whipple* does not teach the steps as claimed. *Whipple* describes a fuzzy logic controller 200 which senses several variables to monitor oscillations in the power consumption of the motor. See col. 6, lines 51-66. Once the power consumption surges have substantially damped or ceased, the supply of liquid provided to machine 10 ends. See col. 8, line 55-57. In contrast, claim 1, recites continuing a supply of water for a second predetermined period after a first predetermined period if the value indicative of the determined electrical characteristic is not less than the predetermined value during the second predetermined period. This feature is not taught or suggested by *Whipple*. Therefore, Applicant asserts that claim 1-3 are patentable over the prior art and the rejection should be withdrawn.

Moreover, the Office Action states, "It would have been obvious for one skilled in the art to use the method of controlling the dishwasher taught by *Whipple* to obtain the claimed invention, because the process as claimed is inherent in the *Whipple*. This is also because the system taught by *Whipple* is able to perform the steps as claimed." Applicant respectfully disagrees. "To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." See M.P.E.P § 2112 (IV).

Applicant submits that the system taught by *Whipple* is not able to perform the steps recited by the claimed invention. Specifically, *Whipple* does not teach or suggest the step of comparing the value indicative of the determined electrical characteristic with a predetermined value, and continuing a supply of water for a second predetermined period after a predetermined first period if the value indicative of the determined electrical characteristic is not less than the predetermined value during the second predetermined time period, as recited in claim 1. One of

ordinary skill would not recognize the claimed steps in the *Whipple*. Instead, *Whipple* uses a fuzzy logic controller 200 to monitor the power consumption of the motor. When the fuzzy logic controller 200 senses the end of oscillations or surges in the power consumption, the amount of water being input into the washing machine is stopped. See col. 6, lines 51-66. *Whipple* does not compare a reference value with a determine electrical characteristic, nor does it determine if a 2nd or 3rd predetermined time period have elapsed before either shutting off the water supply or stopping the wash motor, as recited in the claimed invention. One of ordinary skill in the art would recognize that the steps performed by the claimed invention are distinct from those employed by *Whipple*. Accordingly, claim 1-3 are patentable over the prior art and Applicant respectfully requests that the rejection should be withdrawn.

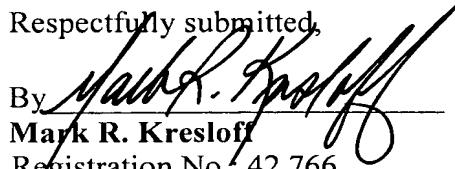
Applicant thus believe that the application is in condition for allowance and early, favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: January 3, 2007

Respectfully submitted,

By 

Mark R. Kresloff

Registration No.: 42,766

MCKENNA LONG & ALDRIDGE LLP

900 K Street, N.W.

Washington, DC 20006

(202) 496-7500

Attorneys for Applicant